

ANNEX 4A

REFERRED TO IN ARTICLE 4.20

MOVEMENT OF NATURAL PERSONS

ANNEX 4A

REFERRED TO IN ARTICLE 4.20 (ANNEXES)

MOVEMENT OF NATURAL PERSONS

ARTICLE 1

Scope

1. This Annex applies to measures by a Party affecting natural persons of another Party covered by its schedule of specific commitments of Chapter 4 (Trade in Services).
2. Chapter 4 (Trade in Services) shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding nationality, residence or employment on a permanent basis.
3. Chapter 4 (Trade in Services) shall not prevent a Party from applying measures to regulate the entry of natural persons of another Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to any Party under the terms of a specific commitment of Chapter 4 (Trade in Services).¹

ARTICLE 2

Objectives

This Annex reflects the preferential trading relationship between the Parties, the common objectives to facilitate entry, temporary stay and work of natural persons on a mutually advantageous basis and in accordance with the Parties' Schedules of Specific Commitments and the need of establishing transparent, secure, effective and comprehensive information and procedures for entry, temporary stay and work.

ARTICLE 3

Provision of Information

1. In the application of Article 4.10 (Transparency) of the Agreement, each Party shall make publicly available, or shall ensure that its competent authorities make publicly available, information necessary for an effective application for the grant of entry, temporary stay and work in its territory. Such information shall be kept updated.

¹ The sole fact of requiring a visa for natural persons shall not be regarded as nullifying or impairing benefits under a specific commitment of Chapter 4 (Trade in Services).

2. The information referred to in paragraph 1 shall include a description of, in particular:

- (a) all categories of visas and work permits relevant to the entry, temporary stay and work of natural persons covered by this Annex;
- (b) requirements and procedures for application for, and issuance of, first-time entry, temporary stay and, where applicable, work permits, including information on documentation required, conditions to be met and method of filing; and
- (c) requirements and procedures for application for, and issuance of, renewed temporary stay and, where applicable, work permits.

3. Each Party shall provide the other Parties with details of relevant publications or websites where information referred to in paragraph 2 is made available.

4. Should the implementation of paragraph 1 prove not to be practicable for a Party, that Party shall provide the information referred to in paragraph 2, as well as any subsequent change thereto, to the other Parties. In addition, that Party shall indicate to the other Parties the contact details of an authority where service suppliers of the other Parties can, upon request, obtain the information referred to under paragraph 2.

ARTICLE 4

Expeditious Application Procedures

1. The competent authorities of each Party shall expeditiously process applications for granting entry, temporary stay or work permits submitted by service suppliers of other Parties, including applications for extensions thereof.

2. When the competent authorities of a Party require additional information from the applicant in order to process its application, they shall notify the applicant without undue delay.

3. At the request of an applicant, a Party in receipt of a completed application shall promptly provide, without undue delay, information concerning the status of the application.

4. The competent authorities of each Party shall notify the applicant, to the extent possible, in writing, of the outcome of its application for entry, temporary stay or work permit promptly after a decision has been taken. The notification shall include the period of stay and any other terms and conditions. The applicant will have the possibility of submitting a new application.

5. Any fees imposed in respect of the processing of an application for grant of entry and temporary stay, including those in respect of visa or work permits, shall be reasonable, reflecting no more than the approximate administrative costs incurred, in accordance with the domestic laws and regulations of each Party.

ARTICLE 5

Contact Points and Cooperation

1. Each Party shall maintain or establish a contact point in order to facilitate communication and information regarding measures that pertain to the entry, temporary stay and work of natural persons in its territory. The contact point shall provide response to enquiries if service suppliers of the other Party have encountered special difficulties in the process of seeking entry, temporary stay and work in accordance with the Party's Schedule of Specific Commitments.
2. Each Party shall notify the other Parties of its contact point six months after the entry into force of the Agreement.
3. Recognising that the Parties can benefit by sharing their diverse experience related to this Annex, the Parties shall consider undertaking mutually agreed cooperation activities, subject to available resources, including by:
 - (a) exchanging information on the entry, temporary stay and work of natural persons covered by this Annex in their territories;
 - (b) exchanging information on the implementation of this Annex;
 - (c) proposing measures or activities among interested Parties to improve the operation of this Annex; and
 - (d) discussing and coordinating any issues related to this Annex as mutually agreed by the Parties.

ARTICLE 6

Review

The Parties shall undertake a review of the implementation and operation of this Annex two years after its entry into force and further whenever agreed by the Parties.
